

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:21-cv-513-RJC
3:14-cr-82-RJC-DSC-4**

CHRISTOPHER LEE GRIFFIN,)
)
 Petitioner,)
)
vs.)
)
UNITED STATES OF AMERICA,)
)
 Respondent.)

ORDER

THIS MATTER is before the Court *sua sponte*.

Petitioner filed a *pro se* Motion to Vacate pursuant to 28 U.S.C. § 2255 in the instant case, raising claims of ineffective assistance of counsel. (Doc. No. 1). On September 29, 2021, the Court ordered the United States to respond to the Motion to Vacate. (Doc. No. 2). On September 30, 2021, a Notice of Appeal was transmitted to the Fourth Circuit in the underlying criminal case, Fourth Cir. Case No. 21-7401. (3:14-cr-82 (“CR”) Doc. No. 260). The United States moved to stay the instant case due to the pending criminal appeal, which was granted on January 3, 2022. (Doc. No. 4). The United States had 30 days following the Fourth Circuit’s issuance of its decision in Case No. 21-7401 to file an answer, motion, or to otherwise respond to the Motion to Vacate. (*Id.*).

The Court’s independent review of the record reveals that the Fourth Circuit issued its decision in Case No. 21-7401 on March 31, 2022. United States v. Griffin, 2022 WL 896017 (4th Cir. March 31, 2022); (CR Doc. Nos. 270, 271).

As the Fourth Circuit has now resolved Case No. 21-7401, the Clerk will be instructed to lift the stay in the instant case. The time for the United States to respond to the Motion to Vacate

has expired. The United States shall show cause, within 10 days of this Order, why Petitioner's Motion to Vacate should not be granted.

IT IS, THEREFORE, ORDERED that

1. The Clerk of Court is instructed to lift the Order of Abeyance, (Doc. No. 4), and reopen this case.
2. The Respondent shall answer or otherwise respond to the Motion to Vacate within **ten (10) days** of this Order.

Signed: May 4, 2022

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

